

**Introduced by Senator Migden**  
(Principal coauthor: Assembly Member Spitzer)  
(Coauthor: Assembly Member Lieu)

February 5, 2007

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An act to amend Sections 13352, 14602.6, and 23575 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 177, as introduced, Migden. Driver's license: DUI: ignition interlock.

(1) Existing law authorizes a court to require a person convicted of a first offense violation of specified provisions prohibiting driving a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol and any drug (DUI) to install a certified ignition interlock device on any vehicle that the person owns or operates and to prohibit that person from operating a motor vehicle unless it is so equipped. ~~Existing law allows a person who has been convicted of one or more DUI violations within 10 years to apply to the department for a restricted driver's license that prohibits the person from operating a motor vehicle unless the vehicle is equipped with a functioning, certified ignition interlock device.~~

This bill would require the court to require that a person convicted of a DUI offense to install a certified ignition interlock device on each vehicle that the person owns or operates and to prohibit that person from operating a motor vehicle unless that vehicle is so equipped. Because it is a crime to operate a vehicle that is not equipped with a functioning, certified interlock device by a person whose driving privilege is so restricted, this bill would impose a state-mandated local program by expanding the scope of that crime.

(2) Existing law allows a peace officer in conjunction with an immediate arrest to cause the removal and seizure of a motor vehicle when a person is driving a motor vehicle while his or her driving privilege is suspended or revoked, when driving a vehicle while his or her driving privilege is restricted to the operation of a motor vehicle that is equipped with a functioning ignition interlock device and the vehicle is not so equipped, and when driving without ever having been issued a driver's license.

This bill would specify that for the purposes of the removal and seizure of a motor vehicle, an immediate arrest includes the issuance of a notice to appear.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13352 of the Vehicle Code is amended  
2 to read:

3 13352. (a) The department shall immediately suspend or  
4 revoke the privilege of a person to operate a motor vehicle upon  
5 the receipt of an abstract of the record of a court showing that the  
6 person has been convicted of a violation of Section 23152 or 23153  
7 or subdivision (a) of Section 23109, or upon the receipt of a report  
8 of a judge of the juvenile court, a juvenile traffic hearing officer,  
9 or a referee of a juvenile court showing that the person has been  
10 found to have committed a violation of Section 23152 or 23153  
11 or subdivision (a) of Section 23109. If an offense specified in this  
12 section occurs in a vehicle defined in Section 15210, the suspension  
13 or revocation specified below shall apply to the noncommercial  
14 driving privilege. The commercial driving privilege shall be  
15 disqualified as specified in Sections 15300 to 15302, inclusive.  
16 For the purposes of this section, suspension or revocation shall be  
17 as follows:

18 (1) Except as required under Section 13352.1 or Section  
19 13352.4, upon a conviction or finding of a violation of Section

23152 punishable under Section 23536, the privilege shall be suspended for a period of six months.

The privilege may not be reinstated until the person gives proof of financial responsibility~~and~~, gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code described in subdivision (b) of Section 23538, *submits the “Verification of Installation” form described in paragraph (2) of subdivision (g) of Section 13386, and maintains the ignition interlock device as required under paragraph (1) of subdivision (a) of Section 23575*. If the court, as authorized under paragraph (3) of subdivision (b) of Section 23646, elects to order a person to enroll, participate and complete either program described in paragraph (4) of subdivision (b) of Section 23542, the department shall require that program in lieu of the program described in subdivision (b) of Section 23538. For the purposes of this paragraph, enrollment, participation, and completion of an approved program shall be subsequent to the date of the current violation. Credit may not be given to any program activities completed prior to the date of the current violation.

(2) Upon a conviction or finding of a violation of Section 23153 punishable under Section 23554, the privilege shall be suspended for a period of one year. The privilege may not be reinstated until the person gives proof of financial responsibility~~and~~, gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) of Section 23556, *submits the “Verification of Installation” form described in paragraph (1) of subdivision (g) of Section 13386, and maintains the ignition interlock device as required under paragraph (1) of subdivision (a) of Section 23575*. If the court, as authorized under paragraph (3) of subdivision (b) of Section 23646, elects to order a person to enroll, participate, and complete either program described in paragraph (4) of subdivision (b) of Section 23542, the department shall require that program in lieu of the program described in Section 23556. For the purposes of this paragraph, enrollment, participation, and completion of an approved program shall be subsequent to the date of the current violation. Credit may not be given to any program activities completed prior to the date of the current violation.

(3) Except as provided in Section 13352.5, upon a conviction or finding of a violation of Section 23152 punishable under Section 23540, the privilege shall be suspended for two years. The privilege may not be reinstated until the person gives proof of financial responsibility ~~and~~, gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) of Section 23542, *submits the “Verification of Installation” form described in paragraph (2) of subdivision (g) of Section 13386, and maintains the ignition interlock device as required under paragraph (1) of subdivision (a) of Section 23575.* For the purposes of this paragraph, enrollment, participation, and completion of an approved program shall be subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that after completion of 12 months of the suspension period, which may include credit for a suspension period served under subdivision (c) of Section 13353.3, the person may apply to the department for a restricted driver’s license, subject to the following conditions:

(A) The person has satisfactorily provided, subsequent to the violation date of the current underlying conviction, either of the following:

(i) Proof of enrollment in an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code.

(ii) Proof of enrollment in a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person’s residence or employment.

(B) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in subparagraph (A).

(C) The person submits the “Verification of Installation” form described in paragraph (2) of subdivision ~~(e)~~ (g) of Section 13386.

(D) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23575.

(E) The person provides proof of financial responsibility, as defined in Section 16430.

1 (F) The person pays all administrative fees or reissue fees and  
2 any restriction fee required by the department.

3 (G) The restriction shall remain in effect for the period required  
4 in subdivision (f) of Section 23575.

5 (4) Except as provided in this paragraph, upon a conviction or  
6 finding of a violation of Section 23153 punishable under Section  
7 23560, the privilege shall be revoked for a period of three years.  
8 The privilege may not be reinstated until the person gives proof  
9 of financial responsibility, ~~and the person gives proof satisfactory~~  
10 to the department of successful completion of a  
11 driving-under-the-influence program licensed pursuant to Section  
12 11836 of the Health and Safety Code, as described in subdivision  
13 (b) of Section 23562, *submits the "Verification of Installation"*  
14 *form described in paragraph (2) of subdivision (g) of Section*  
15 *13386, and maintains the ignition interlock device as required*  
16 *under paragraph (1) of subdivision (a) of Section 23575.* For the  
17 purposes of this paragraph, enrollment, participation, and  
18 completion of an approved program shall be subsequent to the date  
19 of the current violation. Credit shall not be given to any program  
20 activities completed prior to the date of the current violation. The  
21 department shall advise the person that after the completion of 12  
22 months of the revocation period, which may include credit for a  
23 suspension period served under subdivision (c) of Section 13353.3,  
24 the person may apply to the department for a restricted driver's  
25 license, subject to the following conditions:

26 (A) The person has satisfactorily completed, subsequent to the  
27 violation date of the current underlying conviction, either of the  
28 following:

29 (i) The initial 12 months of an 18-month  
30 driving-under-the-influence program licensed pursuant to Section  
31 11836 of the Health and Safety Code.

32 (ii) The initial 12 months of a 30-month  
33 driving-under-the-influence program licensed pursuant to Section  
34 11836 of the Health and Safety Code, if available in the county of  
35 the person's residence or employment, and the person agrees, as  
36 a condition of the restriction, to continue satisfactory participation  
37 in that 30-month program.

38 (B) The person submits the "Verification of Installation" form  
39 described in paragraph (2) of subdivision ~~(e)~~ (g) of Section 13386.

1 (C) The person agrees to maintain the ignition interlock device  
2 as required under subdivision (g) of Section 23575.

3 (D) The person provides proof of financial responsibility, as  
4 defined in Section 16430.

5 (E) The person pays all applicable reinstatement or reissue fees  
6 and any restriction fee required by the department.

7 (F) The restriction shall remain in effect for the period required  
8 in subdivision (f) of Section 23575.

9 (5) Except as provided in this paragraph, upon a conviction or  
10 finding of a violation of Section 23152 punishable under Section  
11 23546, the privilege shall be revoked for a period of three years.  
12 The privilege may not be reinstated until the person files proof of  
13 financial responsibility and gives proof satisfactory to the  
14 department of successful completion of one of the following  
15 programs: an 18-month driving-under-the-influence program  
16 licensed pursuant to Section 11836 of the Health and Safety Code,  
17 as described in subdivision (b) or (c) of Section 23548, or, if  
18 available in the county of the person's residence or employment,  
19 a 30-month driving-under-the-influence program licensed pursuant  
20 to Section 11836 of the Health and Safety Code, or a program  
21 specified in Section 8001 of the Penal Code. For the purposes of  
22 this paragraph, enrollment, participation, and completion of an  
23 approved program shall be subsequent to the date of the current  
24 violation. Credit shall not be given to any program activities  
25 completed prior to the date of the current violation. The department  
26 shall advise the person that after completion of 12 months of the  
27 revocation period, which may include credit for a suspension period  
28 served under subdivision (c) of Section 13353.3, the person may  
29 apply to the department for a restricted driver's license, subject to  
30 the following conditions:

31 (A) The person has satisfactorily completed, subsequent to the  
32 violation date of the current underlying conviction, either of the  
33 following:

34 (i) The initial 12 months of an 18-month  
35 driving-under-the-influence program licensed pursuant to Section  
36 11836 of the Health and Safety Code.

37 (ii) The initial 12 months of a 30-month  
38 driving-under-the-influence program licensed pursuant to Section  
39 11836 of the Health and Safety Code, if available in the county of  
40 the person's residence or employment, and the person agrees, as

1 a condition of the restriction, to continue satisfactory participation  
2 in the 30-month driving-under-the-influence program.

3 (B) The person submits the “Verification of Installation” form  
4 described in paragraph (2) of subdivision ~~(e)~~ (g) of Section 13386.

5 (C) The person agrees to maintain the ignition interlock device  
6 as required under subdivision (g) of Section 23575.

7 (D) The person provides proof of financial responsibility, as  
8 defined in Section 16430.

9 (E) An individual convicted of a violation of Section 23152  
10 punishable under Section 23546 may also, at any time after  
11 sentencing, petition the court for referral to an 18-month  
12 driving-under-the-influence program licensed pursuant to Section  
13 11836 of the Health and Safety Code, or, if available in the county  
14 of the person’s residence or employment, a 30-month  
15 driving-under-the-influence program licensed pursuant to Section  
16 11836 of the Health and Safety Code. Unless good cause is shown,  
17 the court shall order the referral.

18 (F) The person pays all applicable reinstatement or reissue fees  
19 and any restriction fee required by the department.

20 (G) The restriction shall remain in effect for the period required  
21 in subdivision (f) of Section 23575.

22 (6) Except as provided in this paragraph, upon a conviction or  
23 finding of a violation of Section 23153 punishable under Section  
24 23550.5 or 23566, the privilege shall be revoked for a period of  
25 five years. The privilege may not be reinstated until the person  
26 gives proof of financial responsibility and proof satisfactory to the  
27 department of successful completion of one of the following  
28 programs: an 18-month driving-under-the-influence program  
29 licensed pursuant to Section 11836 of the Health and Safety Code,  
30 as described in subdivision (b) of Section 23568 or, if available in  
31 the county of the person’s residence or employment, a 30-month  
32 driving-under-the-influence program licensed pursuant to Section  
33 11836 of the Health and Safety Code, or a program specified in  
34 Section 8001 of the Penal Code. For the purposes of this paragraph,  
35 enrollment, participation, and completion of an approved program  
36 shall be subsequent to the date of the current violation. Credit shall  
37 not be given to any program activities completed prior to the date  
38 of the current violation. The department shall advise the person  
39 that after the completion of 12 months of the revocation period,  
40 which may include credit for a suspension period served under

subdivision (c) of Section 13353.3, the person may apply to the department for a restricted driver's license, subject to the following conditions:

(A) The person has satisfactorily completed, subsequent to the violation date of the current underlying conviction, either of the following:

(i) The initial 12 months of a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment, and the person agrees, as a condition of the restriction, to continue satisfactory participation in the 30-month driving-under-the-influence program.

(ii) The initial 12 months of an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if a 30-month program is unavailable in the person's county of residence or employment.

(B) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (e) (g) of Section 13386.

(C) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23575.

(D) The person provides proof of financial responsibility, as defined in Section 16430.

(E) An individual convicted of a violation of Section 23153 punishable under Section 23566 may also, at any time after sentencing, petition the court for referral to an 18-month driving-under-the-influence program or, if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code. Unless good cause is shown, the court shall order the referral.

(F) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(G) The restriction shall remain in effect for the period required in subdivision (f) of Section 23575.

(7) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23152 punishable under Section 23550 or 23550.5, or Section 23153 punishable under Section 23550.5 the privilege shall be revoked for a period of four years. The privilege may not be reinstated until the person gives proof of financial responsibility and proof satisfactory to the department



1 of successful completion of one of the following programs: an  
2 18-month driving-under-the-influence program licensed pursuant  
3 to Section 11836 of the Health and Safety Code, or, if available  
4 in the county of the person's residence or employment, a 30-month  
5 driving-under-the-influence program licensed pursuant to Section  
6 11836 of the Health and Safety Code, or a program specified in  
7 Section 8001 of the Penal Code. For the purposes of this paragraph,  
8 enrollment, participation, and completion of an approved program  
9 shall be subsequent to the date of the current violation. Credit shall  
10 not be given to any program activities completed prior to the date  
11 of the current violation. The department shall advise the person  
12 that after the completion of 12 months of the revocation period,  
13 which may include credit for a suspension period served under  
14 subdivision (c) of Section 13353.3, the person may apply to the  
15 department for a restricted driver's license, subject to the following  
16 conditions:

17 (A) The person has satisfactorily completed, subsequent to the  
18 violation date of the current underlying conviction, either of the  
19 following:

20 (i) The initial 12 months of an 18-month  
21 driving-under-the-influence program licensed pursuant to Section  
22 11836 of the Health and Safety Code.

23 (ii) The initial 12 months of a 30-month  
24 driving-under-the-influence program licensed pursuant to Section  
25 11836 of the Health and Safety Code, if available in the county of  
26 the person's residence or employment, and the person agrees, as  
27 a condition of the restriction, to continue satisfactory participation  
28 in the 30-month driving-under-the-influence program.

29 (B) The person submits the "Verification of Installation" form  
30 described in paragraph (2) of subdivision (e) (g) of Section 13386.

31 (C) The person agrees to maintain the ignition interlock device  
32 as required under subdivision (g) of Section 23575.

33 (D) The person provides proof of financial responsibility, as  
34 defined in Section 16430.

35 (E) An individual convicted of a violation of Section 23152  
36 punishable under Section 23550 may also, at any time after  
37 sentencing, petition the court for referral to an 18-month  
38 driving-under-the-influence program or, if available in the county  
39 of the person's residence or employment, a 30-month  
40 driving-under-the-influence program licensed pursuant to Section

1 11836 of the Health and Safety Code. Unless good cause is shown,  
2 the court shall order the referral.

3 (F) The person pays all applicable reinstatement or reissue fees  
4 and any restriction fee required by the department.

5 (G) The restriction shall remain in effect for the period required  
6 in subdivision (f) of Section 23575.

7 (8) Upon a conviction or finding of a violation of subdivision  
8 (a) of Section 23109 that is punishable under subdivision (e) of  
9 that section, the privilege shall be suspended for a period of 90  
10 days to six months, if ordered by the court. The privilege may not  
11 be reinstated until the person gives proof of financial responsibility,  
12 as defined in Section 16430.

13 (9) Upon a conviction or finding of a violation of subdivision  
14 (a) of Section 23109 that is punishable under subdivision (f) of  
15 that section, the privilege shall be suspended for a period of six  
16 months, if ordered by the court. The privilege may not be reinstated  
17 until the person gives proof of financial responsibility, as defined  
18 in Section 16430.

19 (b) For the purpose of paragraphs (2) to (9), inclusive, of  
20 subdivision (a), the finding of the juvenile court judge, the juvenile  
21 hearing officer, or the referee of a juvenile court of a commission  
22 of a violation of Section 23152 or 23153 or subdivision (a) of  
23 Section 23109, as specified in subdivision (a) of this section, is a  
24 conviction.

25 (c) A judge of a juvenile court, juvenile hearing officer, or  
26 referee of a juvenile court shall immediately report the findings  
27 specified in subdivision (a) to the department.

28 (d) A conviction of an offense in a state, territory, or possession  
29 of the United States, the District of Columbia, the Commonwealth  
30 of Puerto Rico, or Canada that, if committed in this state, would  
31 be a violation of Section 23152, is a conviction of Section 23152  
32 for the purposes of this section, and a conviction of an offense  
33 that, if committed in this state, would be a violation of Section  
34 23153, is a conviction of Section 23153 for the purposes of this  
35 section. The department shall suspend or revoke the privilege to  
36 operate a motor vehicle pursuant to this section upon receiving  
37 notice of that conviction.

38 (e) For the purposes of the restriction conditions specified in  
39 paragraphs (3) to (7), inclusive, of subdivision (a), the department  
40 shall terminate the restriction imposed pursuant to this section and

shall suspend or revoke the person's driving privilege upon receipt of notification from the driving-under-the-influence program that the person has failed to comply with the program requirements. The person's driving privilege shall remain suspended or revoked for the remaining period of the original suspension or revocation imposed under this section and until all reinstatement requirements described in this section are met.

(f) For the purposes of this section, completion of a program is the following:

(1) Satisfactory completion of all program requirements approved pursuant to program licensure, as evidenced by a certificate of completion issued, under penalty of perjury, by the licensed program.

(2) Certification, under penalty of perjury, by the director of a program specified in Section 8001 of the Penal Code, that the person has completed a program specified in Section 8001 of the Penal Code.

(g) The holder of a commercial driver's license who was operating a commercial motor vehicle, as defined in Section 15210, at the time of a violation that resulted in a suspension or revocation of the person's noncommercial driving privilege under this section is not eligible for the restricted driver's license authorized under paragraphs (3) to (7), inclusive, of subdivision (a).

SEC. 2. Section 14602.6 of the Vehicle Code is amended to read:

14602.6. (a) (1) Whenever a peace officer determines that a person ~~was~~ driving a *motor* vehicle while his or her driving privilege ~~was~~ *is* suspended or revoked, driving a vehicle while his or her driving privilege is restricted pursuant to Section 13352 or 23575 and the vehicle is not equipped with a functioning, certified interlock device, or driving a *motor* vehicle without ever having been issued a driver's license, the peace officer may ~~either immediately do either of the following:~~

(A) *Immediately* arrest that person, *which includes the issuance of a notice to appear*, and cause the removal and seizure of that *motor* vehicle ~~or, if the~~.

(B) *If that* vehicle is involved in a traffic collision, cause the removal and seizure of the vehicle without the necessity of arresting the person in accordance with Chapter 10 (commencing with Section 22650) of Division 11. ~~A~~

1 (2) A motor vehicle ~~so~~ impounded under paragraph (1) shall  
2 be impounded for 30 days.

3 ~~(2)~~

4 (3) The impounding agency, within two working days of  
5 impoundment, shall send a notice by certified mail, return receipt  
6 requested, to the legal owner of the vehicle, at the address obtained  
7 from the department, informing the owner that the vehicle has  
8 been impounded. Failure to notify the legal owner within two  
9 working days shall prohibit the impounding agency from charging  
10 for more than 15 days' impoundment when the legal owner  
11 redeems the impounded vehicle. The impounding agency shall  
12 maintain a published telephone number that provides information  
13 24 hours a day regarding the impoundment of vehicles and the  
14 rights of a registered owner to request a hearing.

15 (b) The registered and legal owner of a vehicle that is removed  
16 and seized under subdivision (a) or their agents shall be provided  
17 the opportunity for a storage hearing to determine the validity of,  
18 or consider any mitigating circumstances attendant to, the storage,  
19 in accordance with Section 22852.

20 (c) Any period in which a vehicle is subjected to storage under  
21 this section shall be included as part of the period of impoundment  
22 ordered by the court under subdivision (a) of Section 14602.5.

23 (d) (1) An impounding agency shall release a vehicle to the  
24 registered owner or his or her agent prior to the end of 30 days'  
25 impoundment under any of the following circumstances:

26 (A) When the vehicle is a stolen vehicle.

27 (B) When the vehicle is subject to bailment and is driven by an  
28 unlicensed employee of a business establishment, including a  
29 parking service or repair garage.

30 (C) When the license of the driver was suspended or revoked  
31 for an offense other than those included in Article 2 (commencing  
32 with Section 13200) of Chapter 2 of Division 6 or Article 3  
33 (commencing with Section 13350) of Chapter 2 of Division 6.

34 (D) When the vehicle was seized under this section for an  
35 offense that does not authorize the seizure of the vehicle.

36 (E) When the driver reinstates his or her driver's license or  
37 acquires a driver's license and proper insurance.

38 (2) ~~No~~—A vehicle shall *not* be released pursuant to this  
39 subdivision without presentation of the registered owner's or

1 agent's currently valid driver's license to operate the vehicle and  
2 proof of current vehicle registration, or upon order of a court.

3 (e) The registered owner or his or her agent is responsible for  
4 all towing and storage charges related to the impoundment, and  
5 any administrative charges authorized under Section 22850.5.

6 (f) A vehicle removed and seized under subdivision (a) shall be  
7 released to the legal owner of the vehicle or the legal owner's agent  
8 prior to the end of 30 days' impoundment if all of the following  
9 conditions are met:

10 (1) The legal owner is a motor vehicle dealer, bank, credit union,  
11 acceptance corporation, or other licensed financial institution  
12 legally operating in this state or is another person, not the registered  
13 owner, holding a security interest in the vehicle.

14 (2) The legal owner or the legal owner's agent pays all towing  
15 and storage fees related to the seizure of the vehicle. No lien sale  
16 processing fees shall be charged to the legal owner who redeems  
17 the vehicle prior to the 15th day of impoundment. Neither the  
18 impounding authority nor any person having possession of the  
19 vehicle shall collect from the legal owner of the type specified in  
20 paragraph (1), or the legal owner's agent any administrative charges  
21 imposed pursuant to Section 22850.5 unless the legal owner  
22 voluntarily requested a poststorage hearing.

23 (3) The legal owner or the legal owner's agent presents a copy  
24 of the assignment, as defined in subdivision (b) of Section 7500.1  
25 of the Business and Professions Code, and any one of the  
26 following: a certificate of repossession for the vehicle, a security  
27 agreement for the vehicle, or title showing proof of legal ownership  
28 for the vehicle. Any documents presented may be originals,  
29 photocopies, or facsimile copies, or may be transmitted  
30 electronically. The impounding agency shall not require any  
31 documents to be notarized. The impounding agency may require  
32 the agent of the legal owner to produce a photocopy or facsimile  
33 copy of its repossession agency license or registration issued  
34 pursuant to Chapter 11 (commencing with Section 7500) of  
35 Division 3 of the Business and Professions Code, or to demonstrate,  
36 to the satisfaction of the impounding agency, that the agent is  
37 exempt from licensure pursuant to Section 7500.2 or 7500.3 of the  
38 Business and Professions Code.

39 ~~No administrative~~

1     ~~Administrative~~ costs authorized under subdivision (a) of Section  
2     22850.5 shall *not* be charged to the legal owner of the type  
3     specified in paragraph (1), who redeems the vehicle unless the  
4     legal owner voluntarily requests a poststorage hearing. ~~No~~ A city,  
5     county, city or county, or state agency shall *not* require a legal  
6     owner or a legal owner's agent to request a poststorage hearing as  
7     a requirement for release of the vehicle to the legal owner or the  
8     legal owner's agent. The impounding agency shall not require any  
9     documents other than those specified in this paragraph. The  
10    impounding agency shall not require any documents to be  
11    notarized.

12    (g) (1) A legal owner or the legal owner's agent that obtains  
13    release of the vehicle pursuant to subdivision (f) may not release  
14    the vehicle to the registered owner of the vehicle or any agents of  
15    the registered owner, unless the registered owner is a rental car  
16    agency, until after the termination of the 30-day impoundment  
17    period.

18    (2) The legal owner or the legal owner's agent may not  
19    relinquish the vehicle to the registered owner until the registered  
20    owner or that owner's agent presents his or her valid driver's  
21    license or valid temporary driver's license to the legal owner or  
22    the legal owner's agent. The legal owner or the legal owner's agent  
23    shall make every reasonable effort to ensure that the license  
24    presented is valid.

25    (3) Prior to relinquishing the vehicle, the legal owner may  
26    require the registered owner to pay all towing and storage charges  
27    related to the impoundment and any administrative charges  
28    authorized under Section 22850.5 that were incurred by the legal  
29    owner in connection with obtaining custody of the vehicle.

30    (h) (1) A vehicle removed and seized under subdivision (a)  
31    shall be released to a rental car agency prior to the end of 30 days'  
32    impoundment if the agency is either the legal owner or registered  
33    owner of the vehicle and the agency pays all towing and storage  
34    fees related to the seizure of the vehicle.

35    (2) The owner of a rental vehicle that was seized under this  
36    section may continue to rent the vehicle upon recovery of the  
37    vehicle. However, the rental car agency may not rent another  
38    vehicle to the driver of the vehicle that was seized until 30 days  
39    after the date that the vehicle was seized.

1 (3) The rental car agency may require the person to whom the  
2 vehicle was rented to pay all towing and storage charges related  
3 to the impoundment and any administrative charges authorized  
4 under Section 22850.5 that were incurred by the rental car agency  
5 in connection with obtaining custody of the vehicle.

6 (i) Notwithstanding any other provision of this section, the  
7 registered owner and not the legal owner shall remain responsible  
8 for any towing and storage charges related to the impoundment,  
9 any administrative charges authorized under Section 22850.5, and  
10 any parking fines, penalties, and administrative fees incurred by  
11 the registered owner.

12 (j) The impounding agency is not liable to the registered owner  
13 for the improper release of the vehicle to the legal owner or the  
14 legal owner's agent provided the release complies with the  
15 provisions of this section.

16 SEC. 3. Section 23575 of the Vehicle Code is amended to read:

17 23575. (a) (1) In addition to any other provisions of law, the  
18 court ~~may~~ *shall* require that a person convicted of a ~~first offense~~  
19 violation of Section 23152 or 23153 to install a certified ignition  
20 interlock device on any vehicle that the person owns or operates  
21 and prohibit that person from operating a motor vehicle unless that  
22 vehicle is equipped with a functioning, certified ignition interlock  
23 device. ~~The court shall give heightened consideration to applying~~  
24 ~~this sanction to a first offense violator with 0.20 percent or more,~~  
25 ~~by weight, of alcohol in his or her blood at arrest, or with two or~~  
26 ~~more prior moving traffic violations, or to persons who refused~~  
27 ~~the chemical tests at arrest. If the court orders the ignition interlock~~  
28 ~~device restriction, the term of the ignition interlock device~~  
29 ~~restriction shall be determined by the court for a period not to~~  
30 ~~exceed three years from the date of the conviction. The court shall~~  
31 ~~notify the Department of Motor Vehicles department, as specified~~  
32 ~~in subdivision (a) of Section 1803, of the terms of the restrictions~~  
33 ~~in accordance with subdivision (a) of Section 1804. The~~  
34 ~~Department of Motor Vehicles department shall place the~~  
35 ~~restriction in the person's records in the Department of Motor~~  
36 ~~Vehicles department.~~

37 (2) The court shall require a person convicted of a violation of  
38 Section 14601.2 to install an ignition interlock device on any  
39 vehicle that the person owns or operates and prohibit the person  
40 from operating a motor vehicle unless the vehicle is equipped with

1 a functioning, certified ignition interlock device. The term of the  
2 restriction shall be determined by the court for a period not to  
3 exceed three years from the date of conviction. The court shall  
4 notify the ~~Department of Motor Vehicles~~ *department*, as specified  
5 in subdivision (a) of Section 1803, of the terms of the restrictions  
6 in accordance with subdivision (a) of Section 1804. The  
7 ~~Department of Motor Vehicles~~ *department* shall place the  
8 restriction in the person's records in the ~~Department of Motor~~  
9 ~~Vehicles~~ *department*.

10 (b) The court shall include on the abstract of conviction or  
11 violation submitted to the ~~Department of Motor Vehicles~~  
12 *department* under Section 1803 or 1816, the requirement and term  
13 for the use of a certified ignition interlock device. The records of  
14 the department shall reflect mandatory use of the device for the  
15 term ordered by the court.

16 (c) The court shall advise the person that installation of an  
17 ignition interlock device on a vehicle does not allow the person to  
18 drive without a valid driver's license.

19 (d) A person whose driving privilege is restricted by the court  
20 pursuant to this section shall arrange for each vehicle with an  
21 ignition interlock device to be serviced by the installer at least  
22 once every 60 days in order for the installer to recalibrate and  
23 monitor the operation of the device. The installer shall notify the  
24 court if the device is removed or indicates that the person has  
25 attempted to remove, bypass, or tamper with the device, or if the  
26 person fails three or more times to comply with any requirement  
27 for the maintenance or calibration of the ignition interlock device.  
28 There is no obligation for the installer to notify the court if the  
29 person has complied with all of the requirements of this article.

30 (e) The court shall monitor the installation and maintenance of  
31 ~~any~~ *an* ignition interlock device restriction ordered pursuant to  
32 subdivision (a) or (l). If a person fails to comply with the court  
33 order, the court shall give notice of the fact to the department  
34 pursuant to Section 40509.1.

35 (f) (1) Pursuant to Section 13352, if a person is convicted of a  
36 violation of Section 23152 or 23153, and the offense occurred  
37 within 10 years of one or more separate violations of Section 23152  
38 or 23153 that resulted in a conviction, the person may apply to the  
39 ~~Department of Motor Vehicles~~ *department* for a restricted driver's  
40 license pursuant to Section 13352 that prohibits the person from



1 operating a motor vehicle unless that vehicle is equipped with a  
2 functioning ignition interlock device, certified pursuant to Section  
3 13386. The restriction shall remain in effect for at least the  
4 remaining period of the original suspension or revocation and until  
5 all reinstatement requirements in Section 13352 are met.

6 (2) Pursuant to subdivision (g), the ~~Department of Motor~~  
7 ~~Vehicles~~ *department* shall immediately terminate the restriction  
8 issued pursuant to Section 13352 and shall immediately suspend  
9 or revoke the privilege to operate a motor vehicle of a person who  
10 attempts to remove, bypass, or tamper with the device, who has  
11 the device removed prior to the termination date of the restriction,  
12 or who fails three or more times to comply with any requirement  
13 for the maintenance or calibration of the ignition interlock device  
14 ordered pursuant to Section 13352. The privilege shall remain  
15 suspended or revoked for the remaining period of the originating  
16 suspension or revocation and until all reinstatement requirements  
17 in Section 13352 are met.

18 (g) A person whose driving privilege is restricted by the  
19 ~~Department of Motor Vehicles~~ *department* pursuant to Section  
20 13352 shall arrange for each vehicle with an ignition interlock  
21 device to be serviced by the installer at least once every 60 days  
22 in order for the installer to recalibrate the device and monitor the  
23 operation of the device. The installer shall notify the ~~Department~~  
24 ~~of Motor Vehicles~~ *department* if the device is removed or indicates  
25 that the person has attempted to remove, bypass, or tamper with  
26 the device, or if the person fails three or more times to comply  
27 with any requirement for the maintenance or calibration of the  
28 ignition interlock device. There is no obligation on the part of the  
29 installer to notify the department or the court if the person has  
30 complied with all of the requirements of this section.

31 (h) Nothing in this section permits a person to drive without a  
32 valid driver's license.

33 (i) The ~~Department of Motor Vehicles~~ *department* shall include  
34 information along with the order of suspension or revocation for  
35 repeat offenders informing them that after a specified period of  
36 suspension or revocation has been completed, the person may  
37 either install an ignition interlock device on any vehicle that the  
38 person owns or operates or remain with a suspended or revoked  
39 driver's license.

1 (j) Pursuant to this section, an out-of-state resident who  
2 otherwise would qualify for an ignition interlock device restricted  
3 license in California shall be prohibited from operating a motor  
4 vehicle in California unless that vehicle is equipped with a  
5 functioning ignition interlock device. An ignition interlock device  
6 is not required to be installed on any vehicle owned by the  
7 defendant that is not driven in California.

8 (k) If a person has a medical problem that does not permit the  
9 person to breathe with sufficient strength to activate the device,  
10 then that person shall only have the suspension option.

11 (l) This section does not restrict a court from requiring  
12 installation of an ignition interlock device and prohibiting operation  
13 of a motor vehicle unless that vehicle is equipped with a  
14 functioning, certified ignition interlock device for a person to  
15 whom subdivision (a) or (b) does not apply. The term of the  
16 restriction shall be determined by the court for a period not to  
17 exceed three years from the date of conviction. The court shall  
18 notify the ~~Department of Motor Vehicles~~ *department*, as specified  
19 in subdivision (a) of Section 1803, of the terms of the restrictions  
20 in accordance with subdivision (a) of Section 1804. The  
21 ~~Department of Motor Vehicles~~ *department* shall place the  
22 restriction in the person's records in the ~~Department of Motor~~  
23 ~~Vehicles~~ *department*.

24 (m) For the purposes of this section, "vehicle" does not include  
25 a motorcycle until the state certifies an ignition interlock device  
26 that can be installed on a motorcycle. Any person subject to an  
27 ignition interlock device restriction shall not operate a motorcycle  
28 for the duration of the ignition interlock device restriction period.

29 (n) For the purposes of this section, "owned" means solely  
30 owned or owned in conjunction with another person or legal entity.  
31 For purposes of this section, "operates" includes operating vehicles  
32 that are not owned by the person subject to this section.

33 (o) For the purposes of this section, "bypass" includes, but is  
34 not limited to, either of the following:

35 (1) Any combination of failing or not taking the ignition  
36 interlock device rolling retest three consecutive times.

37 (2) Any incidence of failing or not taking the ignition interlock  
38 device rolling retest, when not followed by an incidence of passing  
39 the ignition interlock rolling retest prior to turning off the vehicle's  
40 engine.

1     SEC. 4. No reimbursement is required by this act pursuant to  
2     Section 6 of Article XIII B of the California Constitution because  
3     the only costs that may be incurred by a local agency or school  
4     district will be incurred because this act creates a new crime or  
5     infraction, eliminates a crime or infraction, or changes the penalty  
6     for a crime or infraction, within the meaning of Section 17556 of  
7     the Government Code, or changes the definition of a crime within  
8     the meaning of Section 6 of Article XIII B of the California  
9     Constitution.

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